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ATTORNEY'S DOCKET NO. 6544-1003



Receipt \$ ✓
PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
)
Andrew Connell, Shane O'Brien,) Examiner:
and Patrick Vincent Kelly)
)
Serial No.: 09/995,187) Group Art Unit: 1762
)
Filed: November 27, 2001)
)
Patent: Formation of Materials Such as)
Waveguides With a Refractive Step)

Commissioner of Patents
Washington, D.C. 20231-9998

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION,
ASSERTION OF SMALL ENTITY STATUS,
AND REQUEST FOR CORRECTED FILING RECEIPT**

1. Responsive to a Notice to File Missing Parts of Application, a copy of which is attached hereto, a Declaration and Power of Attorney executed by the inventors is enclosed herewith.

2. Further review of the application forms as filed reveals that the filing fee was incorrectly calculated at the Large Entity rate. The Applicants are individual inventors who qualify for Small Entity status under 37 C.F.R. § 1.27(a)(1). The Applicants hereby assert their Small Entity status and request a refund of excess fees paid as described below. To the extent that any obligation to assign any rights under the instant Application may arise, the potential assignee is a university that qualifies for Small Entity status under 37 C.F.R. § 1.27(a)(3)(ii)(A).

3. The Applicants should have paid only \$388.00 at the time of filing, rather than the \$776.00 for which a check was enclosed. The Applicants acknowledge that they must pay a surcharge for late filing of the Declaration, but this surcharge should be only \$65.00 rather than the \$130.00 requested in the Notice. Since the Applicants have already paid \$776.00, and the total of fees due is only \$65.00 (\$65.00 late Declaration surcharge), the Applicants respectfully request that the overpayment of \$323.00 be credited to Deposit Account No. 12-0913 of the firm of the undersigned Attorney.

4. Of course, should the fees computed herein be incorrect in any way, the Commissioner is hereby authorized to charge payment of any additional fees required, or credit any overpayment involved, to the Deposit Account No. 12-0913 of the firm of the undersigned Attorney.

5. A Filing Receipt (a copy of which is enclosed) was recently mailed to Applicants' attorney on January 24, 2002. This Filing Receipt does not cite the Foreign Application upon which the Applicants have based their claim for Priority (copy as filed enclosed). Applicants respectfully request that a Corrected Filing Receipt be issued that correctly references European Application Number 00650200.9, filed November 28, 2000.

Respectfully submitted,

March 25, 2002
Date

John W. Hayes
John W. Hayes,
Registration No. 33,900

One of the Attorneys for Applicant

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312-368-5946 Direct Line
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312-368-0034 Facsimile
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I hereby acknowledge
receipt of the
enclosed:



Andrew Connell et al.

Serial No. 09/995,187

Filed: November 27, 2001

Title: Formation of Materials such as
Waveguides with a Refractive Step

1. Response to Notice to File Missing Parts of
Application, Assertion of Small Entity Status, and
Request for Corrected Filing Receipt
 2. Executed Declaration & Power of Attorney
 3. Copy of Filing Receipt
 4. Copy of Notice to File Missing Parts of
Nonprovisional Application
 5. Certificate of First Class Mailing
 6. Return Postcard
- DUE DATE (If Any): March 24, 2002 (Sunday)
- DATE SENT: March 25, 2002

Date of Deposit: March 25, 2002

I hereby certify that this paper or fee is being deposited with the
United States Post Office, prepaid first class mail on the date
indicated above and is addressed to Director of Patents and
Trademarks, Washington, D.C. 20231-9998

Deborah E. Dudek

(Typed or printed name of person mailing paper or fee).

Deborah E. Dudek

(Signature of person mailing paper or fee).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/995,187	11/27/2001	Andrew Connell	6544-1003

John W. Hayess
Lee, Mann, Smith,
McWilliams, Sweeney & Ohlson
P.O. Box 2786
Chicago, IL 60690-2786



CONFIRMATION NO. 9368

FORMALITIES LETTER



OC00000007350480

Date Mailed: 01/24/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

~~Adjustment date: 05/20/2002 99ALEEKU~~
~~05/09/2002 VTRUONG1 00000016 09995187~~
~~01 FC:201 -370.00 OP~~
~~02 FC:203 -27.00 OP~~
~~03 FC:204 -140.00 OP~~

A copy of this notice **MUST** be returned with the reply.

MTB
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

~~Adjustment date: 05/09/2002 VTRUONG1~~
~~11/30/2001 AHONDAFI 00000008 120913 09995187~~
~~01 FC:101 -740.00 OP~~
~~02 FC:103 18.00 CR -36.00 OP~~
~~03 FC:104 280.00 CR~~
~~05/09/2002 VTRUONG1 00000016 09995187~~

~~01 FC:201 -370.00 OP~~
~~02 FC:203 -27.00 OP~~
~~03 FC:204 140.00 OP~~

Repln. Ref: 05/09/2002 VTRUONG1 0012554100
DAH:120913 Name/Number:09995187
FC: 704 \$239.00 CR

04/10/2002 HUNGRY 00000115 120913 09995187
65.00 CR
01 FC:205